

Memo

August 15, 2017

To: Dr. Ben Carson, Secretary of Housing and Urban Development

From: Jason Adams, UNAHA Chair

Robert Gauthier, UNAHA Administrator

Re: Information on the United Native American Housing Association

The **UNITED NATIVE AMERICAN HOUSING ASSOCIATION** is a non-profit association that provides organizational capacity, meeting coordination and training to 34 Indian tribes. In 2016, UNAHA received a 501 C 3 designation.

UNAHA was formed in 1985 to give a collective voice to its members regarding housing matters for Tribes located in HUD Region VIII which encompasses Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nebraska, and Kansas. UNAHA represents the affordable housing interests of nearly 300,000 American Indians on large land based reservations in the Northern Plains Region. Most of the tribes served suffer with high poverty levels and lack of infrastructure. In addition, over 15,000 eligible families are currently on housing waiting lists in the Region. We believe that the actual need is much higher with families not signing up on waiting lists because they have given up. Overcrowding is common in our Region.

UNAHA provides information to member housing entities related to training, legislation, resources, and other issues effecting Indian housing. It is governed by a Board of Directors comprised of elected officers: Chair, Vice Chair, Secretary and Treasurer.

The organization meets three times each year. The annual meeting is always held in Denver, Colorado in conjunction with the ALL WEST NATIVE AMERICAN BASKETBALL CLASSIC. A summer meeting is usually held in August and the location changes each year in an attempt to try to occasionally meet near each member. A third and final meeting is held each year in Las Vegas, Nevada in conjunction with the NAIHC Legal Symposium. This meeting schedule is an attempt to provide members an opportunity to stretch their travel and training budgets.

CURRENT ISSUES FACING UNAHA MEMBERS:

- **Insufficient funding.** NAHASDA was passed in 1996 to give tribes more control and flexibility in developing tribal communities. Tribes gave up participation in the 1937 Housing Act to receive Indian Housing Block Grants. Unfortunately, while 1937 Housing Act recipients have a Cost of Living adjustment in their operating funds, NAHASDA does not include the CIP index. Indian Housing Block Grant funds have not increased since the passage of NAHASDA over 20 years ago! In addition, other Federal Resources such as USDA (13 affordable housing programs) and VA have not been successful in

reaching eligible tribal families in our Region due to many factors including Tribal Capacities, program requirements that tribes cannot meet and less affordable housing program.

- Methamphetamines. The use of “Meth” on our reservations is at a crisis state. Not only is it devastating families, mitigating meth houses is costing our members millions in funding that should be used for new construction and maintenance of our existing units. UNAHA held a well-attended Meth conference in Denver earlier this year. Tribes discussed strategy to address the physical as well as the negative social impacts on reservation communities.
- Access to Capital. For over 20 years tribes have attempted to grow their home ownership programs utilizing the HUD 184 Program. Unfortunately, due to HUD policies regarding Tribal Courts and a reluctance to work with tribes to mitigate foreclosures, progress has been slow. We are grateful for the program but it could do so much more if we could overcome some of the issues outlined in attached position papers.
- Lack of Infrastructure. Indian Health Service, who is statutorily bound to provide water and waste water systems for tribes continues to see significant funding reductions. USDA has made some recent attempts to work with tribes but they too have less funding to address expensive infrastructure challenges. Tribes are not allowed to charge property taxes. With their high poverty rate, they qualify for significant grant assistance, however the grant funds are not available. Only infrastructure loans, which most of our members cannot afford.
- Lack of Economic Development. Clearly, many of the challenges faced by our members could be addressed with more economic opportunity. Jobs create housing. Housing creates jobs. Sustainability depends on economic growth. This continues to be a problem. Tribal Colleges have enjoyed success but we need partners and capital.

PLEASE VISIT OUR WEBSITE AT UNAHA.ORG.

Contact Bob Gauthier: gauthierbob@gmail.com

TESTIMONY OF LAFE HAUGEN
SENATE INDIAN AFFAIRS COMMITTEE
JUNE 22, 2016
USDA RURAL DEVELOPMENT - HOUSING

- **NAHASDA REAUTHORIZATION**

Congress was required to reauthorize NAHASDA by 12/31/2015 after passing a continuing resolution in 2013. The program is currently without Congressional authority. The program is vulnerable to cuts or elimination until a bill is passed. Many Congressmen and Hill committee staff are unaware that NAHASDA is the only HUD funding available to Native American Tribes since tribes gave up access to the HUD 1937 Act Public Housing Programs in exchange for a block grant. While funding has not increased over 20 years, reduction or elimination would devastate housing programs for hundreds of First Americans across the Nation. \$650 Million in annual funding is at risk!

I know that this Hearing is to discuss Tribal access to USDA housing resources, but the first point I want to make is that without NAHASDA Reauthorization, tribes will not have the resources to pursue other resources including USDA. One of the primary purposes of NAHASDA was to provide funds for Tribes to leverage with other Federal and private resources to address their unmet housing needs.

Tribes strongly believes that **Section 703 of NAHASDA** should be enforced by Congress and not changed in any reauthorization. H.R. 360 supports Section 703 as written. While HUD currently administers the \$8 Million annual Indian Housing Training allocation from NAHASDA, we feel that it would be appropriate for Tribes that understand Self-Determination and how Federal programs are layered to administer training and technical assistance. That was the intent of Congress 20 years ago when NAHASDA became law. There has never been a time when training and technical assistance was more important than now. How can HUD justify

administration of training and technical assistance under NAHASDA when each tribe is encouraged to develop their own programs? There is no HUD program any longer! HUD could set criteria for certain components of regulation compliance, and reporting, the fact is that NAHASDA is a “Self-Governance” program and without the training and TA funds, tribes cannot reach full potential.

- **USDA Separate Title**

Since NAHASDA was passed in 1996, USDA has promised to deliver program funds to Indian Tribes and organizations. It has not materialized. Every program they promote has an application in Indian Country, yet rural tribes only receive a fraction of the funding that they are eligible for. This problem is primarily related to restricted lands.

From 1993 until 2004, USDA made a tremendous effort to set goals to improve its presence in Indian Country. USDA even developed a “Native Lending Guide”. By and large, the effort failed, especially programs on Tribal lands. Yet, Rural Housing Services continues to address this weakness. Recently, Housing Administrator Tony Hernandez and his Tribal Coordinators Tedd Buleau and Lynn Trujillo have been working with Tribal Coalitions in South Dakota and Montana to help develop solutions to the significant barriers to Trust land application of USDA housing resources. On June 7 and 8 of this year, USDA Rural Housing hosted a meeting in Washington DC with USDA staff and other Federal Agencies to further explore solutions. We applaud their efforts.

Another problem that Tribes are addressing is capacity at the tribal level. Many rural tribes lack capacity and lending infrastructure. We are working to educate and inform tribal members of the value of individual home loans. Many are not familiar with the concept of home mortgaging. We need additional Technical Assistance funding to work with them to provide financial literacy and homebuyer training. It is also obvious that Tribes lack the resources and understanding to further develop the concept of homeownership and building wealth in their homes. It is a relatively new concept in Indian Country, especially in the Northern Plains, which has most of the Trust lands and greatest need.

Both NeighborWorks and RCAC have provided some Technical Assistance and funding. We believe their funding originates with USDA, yet they often times come to provide TA and we end up educating them! Why can't tribal organizations like the South Dakota Tribal Homeownership coalition and the Montana/Wyoming Tribal Housing Coalition receive these Technical Assistance grants directly from USDA?

Currently, USDA staff in South Dakota, led by Bruce Jones and Montana under John Walsh are attempting to produce Memorandums of Understanding with their respective tribes that would demonstrate how these valuable programs might be delivered with more authority and oversight at the tribal level regarding loan origination and if necessary loan mitigation. We would ask that this committee encourage USDA to offer maximum flexibility to these two states to complete these MOUs with the hope that a successful process of loan production can begin on restricted lands.

Please consider these statistics: between 2000 and 2015, USDA provided 3,420 Section 502 loans to Native Americans across the Country. That is 228 units a year. Ten per cent of those units were on Trust Land, or about 20 units a year are financed with the 502 program on restricted lands. Recent National American Indian Housing Council data shows an unmet need in Indian Country of over 200,000 units, and growing

USDA sponsored 515 Multifamily Rental projects are even more scarce. Not one single 515 project was financed on Trust lands the last four years and only one in the last six years!

It may be that the only way Indians will be able to get their fair share of this funding is under a separate title within the FARM Bill. This effort has to happen soon (this year) as Congress avoids amendments to the Bill because of its size. This action does not require a new authorization or a new appropriation. Indians are counted in each States allocation totals but we are not getting the money. We are pleased to see an oversight hearing so that Tribes can request funding and support in a more direct manner that recognized self determination.

UNITED NATIVE AMERICAN HOUSING ASSOCIATION

LEGISLATIVE ISSUES FOR INDIAN HOUSING 2016

- **NAHASDA REAUTHORIZATION**

Congress was required to reauthorize NAHASDA by 12/31/2015 after passing a continuing resolution in 2013. The program is currently without Congressional authority. The program is vulnerable to cuts or elimination until a bill is passed. Many Congressmen and Hill committee staff are unaware that NAHASDA is the only HUD funding available to Native American Tribes since tribes gave up access to the HUD 1937 Act Public Housing Programs in exchange for a block grant. While funding has not increased over 20 years, reduction or elimination would devastate housing programs for hundreds of First Americans across the Nation. \$650 Million in annual funding is at risk!

In January of 2015 the House of Representatives passed H.R 360, a bi-partisan bill that included 17 co-sponsors. This measure is pending in the Senate without action. Senator John Barrasso (R-WY) introduced S. 710, a NAHASDA Reauthorization bill in March of 2015, which is not as Tribal friendly as the House version of NAHASDA Reauthorization. We would request that the Senate take action on H.R. 360.

Tribes strongly believes that **Section 703 of NAHASDA** should be enforced by Congress and not changed in any reauthorization. H.R. 360 supports Section 703 as written. While HUD currently administers the \$8 Million annual Indian Housing Training allocation from NAHASDA, we feel that it would be appropriate for Tribes that understand Self-Determination and how Federal programs are layered to administer training and technical assistance. That was the intent of Congress 20 years ago when NAHASDA became law. There has never been a time when training and technical assistance was more important than now. How can HUD justify administration of training and technical assistance under NAHASDA when each tribe is encouraged to develop their own programs? There is no HUD program any longer! HUD could set criteria for certain components of

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- **HUD 184 Program**

This program has been around since 1992 and has grown to over \$5 Billion in size. Last week at the National American Indian Housing Council Legislative Conference, HUD reported that the demand for the HUD 184 program in 2015 was \$1.2 Billion! That is more than twice the NAHASDA Appropriation.

Unfortunately, while the program was created to provide a 100% HUD guarantee to lenders that provide a market rate loan to Indians on restricted lands, due to changes made unilaterally by HUD, over 90% of the lending is taking place off reservation. A majority of the new loans are being made by off Reservation tribes in Alaska and Oklahoma as a commercial application. With relaxed underwriting, the program is not designed for commercial purposes! Very small down payments, low interest rates and relaxed underwriting and 100% Guarantee, was to promote homeownership on Reservations, not for tribes to build wealth!

The program is now being scrutinized by Office of Management and Budget. If the program is lost or put under FHA, Indians on trust land will no longer have this tool that makes homeownership possible on trust land, at an affordable rate. We strongly recommend that Congress ask HUD to justify the current use of the HUD 184 Loan Guarantee program.

For more information:

Bob Gauthier/UNAHA Coordinator

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406-253-1903 cell

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2016-1**

A RESOLUTION REQUESTING FUNDING TO FIGHT METHAMPHETAMINES

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, in recent years methamphetamines have invaded our reservations and communities and brought terrible hardship and death for our families at rates few other parts of the country have experienced, and

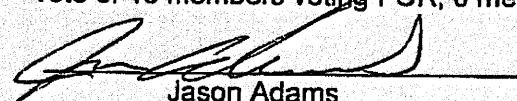
WHEREAS, methamphetamines have particularly impacted both our physical housing structures and the families and the children living in them, and


WHEREAS, our housing programs are now becoming so financially burdened by this plague that we 1) cannot properly address detection and remediation and, 2) these costs are so extensive that we must now cut back on other essential services.

NOW THEREFORE BE IT RESOLVED that United Native American Housing Association (UNAHA) call upon the United States government and Congress to provide a minimum of \$100 million dollars a year to those federally recognized tribes being confronted by the methamphetamine plague to be delivered through our tribally designed housing entities to address the costs of methamphetamines on to our housing and communities.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Quarterly Meeting assembled for business in Bismarck, North Dakota on the 4th day of August, 2016, with 16 members present to constitute a quorum and by a vote of 16 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST: 
Iva Grainger
Secretary

SALISH & KOOTENAI HOUSING AUTHORITY
POSITION PAPER ON

The HUD 184 program

February 2016

INTRODUCTION

The U.S. Department of Housing and Urban Development's Section 184 Indian Home Loan Guarantee Program was authorized by the Housing and Community Development Act of 1992. The HUD 184 program was initially created to overcome the obstacles of lending in Indian country created by the unique status of Indian lands, which are generally held in trust. In other words, it was an "On Reservation Only" market rate loan.

An additional consideration inherent in the program is that it has established unique credit underwriting representative of Indian borrowers. For example, no credit score was to be used in qualifying for the loan, only income and debt ratios with no recent collections. If any, they had to be paid at least a year earlier. Other aspects of the program were designed with unique components that addressed other reservation impediments such as using replacement cost in lieu of a certified appraisal and the waiver of title insurance.

Without the HUD 184 program, lenders were reluctant to make home loans to Native American borrowers due to the uncertainty of obtaining legal assurances that the property purchased with the loan can be reclaimed in the case of default. To assist in increasing homeownership in Indian country, the HUD 184 program provides a 100 percent guarantee on all 184 loans made by qualified lenders to American Indian and Alaskan Native borrowers.

Over the years since the passage of the Housing and Community Development Act of 1992 the HUD 184 program has seen a lot of changes. All of these changes were initiated by HUD with no consultation with tribes. In 2000 or 2001, HUD announced that the program could be utilized in any area that an Indian tribe could declare as being part of their service area. This change allowed tribes to claim entire states where they were located as their service area and any American Indian or Alaskan Native that resided in that state could then have access to the HUD 184 program! It was never the intent of Congress to create a new mortgage program where countless lending opportunities already existed. This one change has threatened the survival of the program. It has now grown to over \$4 Billion and is getting too large to manage. Over 90% of loans made are not on Indian reservations!

Another loophole in the program has allowed large tribes and native Alaska corporations to use the program to develop market rate housing without the restrictions Indian individual borrowers have to contend with. Several large eligible tribal entities are rumored to be contemplating housing for nonmember casino workers. There is no limit to the number of loans a tribe or tribal entity can hold. These tribes are using the 184 program because residential interest rates are half of what commercial lending rates are! Add to this the relaxed underwriting requirements and it appears the purpose of the program is being lost.

Individual borrowers have to be enrolled in a Federally Recognized Tribe and must reside in the home. Tribes and Tribal Housing Authorities are not held to the same standard.

In the last couple of years HUD has issued letters to tribal governments asking for comments on proposed changes to the program. When comments are received, it appears that HUD does not give them the light of day. With each letter it seems that the initial focus of the program to serve Indian lands held in trust is being lost. The HUD 184 program continues to be funded each year by congress and the portfolio of loans for the program is the largest it has ever been. As Indian tribe that have large land bases and a lot of Indian land held in trust begin to see the opportunity that homeownership brings, they will need to have this program available to them. It would appear that the direction being proposed by HUD would change the program and align it with other Federal programs that already exist. We fear that the operation of the program will be moved away from HUD Office of Native American Programs. This program was created to serve a very precise need and population. That need and population will only increase as tribes take control, educate their membership to the advantages of homeownership and begin to offer more homeownership opportunities.

PROPOSAL

The HUD 184 program continues to change without meaningful consultation and involvement of tribes. It would be our preference that HUD call for the creation of a working group of tribal leaders and lenders in Indian country to work on revising the whole program and setting up program regulations and procedures that will insure the viability of the program for years to come. We would propose that the program be divided into three parts: 184A, 184B and 184C. 184A could address the original intent of the program of Indian land held in trust. 184B could address the use of the program to off Reservation lands and commercial application of the program. 184C could address the use of the program by Native Hawaiians. It would seem

appropriate for one large working group to be brought together then from the larger group subgroups could be formed to address each of the three specific areas of the new program. Since the creation of the program HUD has never held a formal rulemaking process to come up with the regulations that govern the program. It has never really had regulations developed. It has been operated as a “handbook” program; \$4 Billion! In absence of the formal rulemaking procedures we would ask that a work group process be established. Your support to direct HUD to establish the work group will help to solidify the existence and continuation of the HUD 184 program.

**UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS
TESTIMONY OF ROBERT GAUTHIER
“LOAN LEVERAGING IN INDIAN COUNTRY”**

February 4, 2015

Thank you, Chairman Barrasso, and other members of the Committee, for the opportunity to address you today concerning what I believe is the number one impediment to growth in Indian Country.

When I hear the term Indian Country, I think of tribal lands under the jurisdiction of duly elected officials from Federally Recognized Tribes. I believe Indians living in other parts of the United States have needs related to available credit too, but for today’s comments; I would like to focus on Indian reservations and trust land.

In 1993, when the **NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKAN NATIVE AND NATIVE HAWAIIAN HOUSING** completed 18 months of hearings and published its Report: **A BLUEPRINT FOR CHANGE**, the primary recommendations for Congressional action outlined changes to making credit more available for American Indians across the nation with a special emphasis on the impediments of trust land.

HUD did its job during the Clinton administration and developed the Native American Housing Assistance and Self Determination Act (NAHASDA), introduced by New York Congressman Rick Lazio, which for the first time, provided capital tribes could use to leverage other housing resources. Over 40 of the Commission’s recommendations were incorporated into NAHASDA. As a bonus, Title VI of NAHASDA provided incentive for banks to lend to tribes with a 95% guarantee! Congress also responded, thanks to Nebraska Congressman Doug Bereuter and his staff, and passed the HUD 184 guaranteed loan program. For the first time, Indians on reservations had available a market rate loan product! I believe most Indian housing practitioners and housing experts expected lending to Native Americans to take hold in a dramatic fashion. And it has, unless you happen to live on trust land.

In my opinion, nearly 22 years later, remote tribes on trust land are still not making significant progress establishing sustainable lending programs. The result is that they continue to have a significant waiting list with diminishing subsidy. I wish it were different. Many will talk about the success of the HUD 184 program. The program has now grown to over \$4 Billion in loans to Indians. That shows the need. However, an Indian living in Spokane, Washington has many

market rate loan products. He is however, able to take advantage of a program designed for developing markets and by its design was not as rigorous as other loan programs. If you happen to be an Indian living in Browning, Montana on trust land, the HUD 184 program may be your only market rate option. My concern is that as the program grows, more and more it will resemble conforming loans without the flexibility and affordability developing tribes and its members still require.

USDA has still not come to the table with nationwide lending products adapted to unique tribal governmental requirements. In Montana, the Salish and Kootenai Tribes have an unresolved dispute with USDA regarding a couple of minor provisions in USDA required lease agreements on trust land. They have been unwilling to compromise. Indian Country badly needs the several loan and grant programs USDA administers. In most states, active partnerships with USDA do not exist. Tribes need exposure and training on these programs.

In 1993, the Dept. of Treasury told HUD at an Indian housing leveraging meeting that there was no need for the Administration to develop a new GSE dedicated to Indian Housing. HUD had been working on a draft of a Native American Finance Authority. Treasury assured participants that the new CDFI legislation would not only provide capital, but also technical assistance to overcome the imperfections in Indian lending on trust lands. Still, it is not happening.

After nearly 33 years working in Indian Housing, I am convinced that overcoming the challenges of lending on trust land is the key to solving the housing crisis on America's Indian reservations. In fact, solving the housing lending puzzle will open up streams of capital for economic development as well. I know, because the Confederated Salish and Kootenai Tribes developed a revolving loan program in the 1940s that today provides over 600 members of that tribe access to mortgages on trust Land. Their model is largely responsible for the high number of Section 184 Loans made in Montana as well. The membership is gaining wealth with nearly 70% of families owning their own home.

Over the past 20 years, I have learned also that capacity at the tribal level is another critical component of success with developing sustainable lending on tribal trust land. The Confederated Salish and Kootenai Tribes operate their own Land Titles and Records Office (LTRO) under a contract with the Bureau of Indian affairs. They have developed reliable closing processes that are similar to closings on fee simple lands. I believe this too is a critical factor. I am surprised that since Congress passed the HEARTH Act in 2012, only two tribes across the nation have developed BIA approved regulations!

In closing, I would like to recommend that this Committee work with the tribes that have had success in developing functioning lending systems and incorporating trust lands by dedicating adequate resources to provide a step by step guidance for developing tribes to follow.

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2015- 01**

A RESOLUTION URGING THE REAUTHORIZATION OF NAHASDA IN 2015

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, both the House (HR 360) and Senate (S 710) have proposed bills for the reauthorization of the Native American Housing Assistance and Self-Determination Act (NAHASDA),

WHEREAS, the bills contain important amendments and improvements to NAHASDA that will benefit the tribes administering the block grants;

WHEREAS, the United States Congress recognized the need for housing assistance and economic development in Indian Country when it passed the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) as amended; and

WHEREAS, NAHASDA clearly states in Section 703 that funding be provided to a national organization representing Native American housing interests to provide training and technical assistance; and

WHEREAS, this training and technical assistance is essential to tribes who provide low-income housing for its members through the Indian Housing Block Grant (IHBG); and

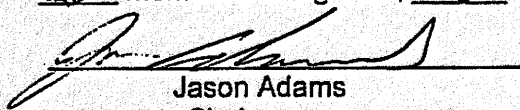
WHEREAS, this training and technical assistance has historically been provided by the National American Indian Housing Council through Section 703 of NAHASDA;

NOW THEREFORE BE IT RESOLVED that UNAHA urges Congress to approve and pass the reauthorization of NAHASDA in calendar year 2015;


BE IT FURTHER RESOLVED that UNAHA opposes the inclusion of provisions in any authorizing legislation that would divert Training and Technical Assistance funds away from the National American Indian Housing Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Riverton, Wyoming on 18th day of August, 2015, with 20 members present to constitute a quorum and by a vote of 20 members voting FOR, 0 members Opposed, and 0 not voting.



Jason Adams
Chairman

ATTEST: 

Iva Grainger
Secretary



United Native American Housing Association

Jason Adams, Chairman
PO Box 38
Pablo, MT 59855

"Tribes Helping Tribes"

August 26, 2014

Julian Castro, Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W. 10th Floor
Washington, D.C. 20410

Dear Secretary Castro:

On August 12th of this year, the United Native American Housing Association (UNAHA) held their summer meeting in Cedar City Utah. The well attended meeting allowed Indian Housing professionals from seven states (Utah, Montana, South Dakota, North Dakota, Wyoming, Colorado and Nebraska) to discuss several recent changes proposed by your office to the HUD 184 Loan Guarantee Program. We are concerned about the direction and future of this vital program and the lack of HUD consultation and discussion with Indian Country prior to HUD's intended action to implement the apparently unilateral changes.

The HUD 184 Program as originally enacted was unique in the fact that it was specifically designed for the unmet mortgage needs of American Indians living on lands held in trust by the United States Government. It was imbedded within the Office of Native American Programs so that as the program grew, regulations and program management could adjust to imperfections in the lending market on trust lands. The program has been expanded unilaterally by HUD without consultation and negotiation to include eligible Native families living off federal trust lands or reservations. That expansion caused the program to grow substantially, but has also threatened the continued viability of the program to serve the target borrowers, namely Native families living on their trust land reservations. Three recent fee escalations have been proposed without discussion with tribes. We are very concerned about this direction and respectfully request that HUD sponsor a summit to discuss the program thoroughly. We would like to give direction and share the lessons we have learned in the 20 years since the program was created, to hear from HUD staff the justification for program changes and fee increases and to recommit to the lending partnership our Tribes enjoy with HUD. The opportunity to meet the future housing needs of Indian tribes around the program depends on the future of this program.

We have attached a resolution passed unanimously by our members in attendance. This position was formulated following lengthy discussion and debate. UNAHA intends to seek Tribal Council resolutions from our 34 members supporting our position on this critical Indian housing matter.

If I can answer any questions related to our position and concerns, please do not hesitate to call me at 406-675-4491.

Respectfully submitted,

signed

Jason Adams
Chairman
United Native American Housing Association

UNAHA Board Members

Sharon Vogel-Vice Chairman
Cheyenne River Housing Authority
PO 480
Eagle Butte, SD 57625

Iva Grainger - Secretary
Fort Peck Housing Authority
PO Box 667
Poplar, MT 59255

Doug Yankton Sr.-Treasurer
Spirit Lake Housing Authority
PO Box 203
Fort Totten, ND 58335

Gauthier Agency LLC
Administrator
63316 US HWY 93
Ronan, MT 59864

PROPOSAL TO FORM HUD 184 STANDING COMMITTEE

In November 2014 United Native American Housing Association (UNAHA) delegates met with HUD Deputy Assistant Secretary Rodger Boyd and his staff to discuss creating an advisory committee regarding the HUD 184 program. The purpose of the Committee would be to provide Tribal consultation and advice to HUD staff as program changes are contemplated by HUD. As the program evolves and certain issues related to effective administration of the program are presented, a Committee familiar with the HUD 184 program would be of value to HUD personnel as they respond with new rules and guidelines. The focus of the Committee would be to address components of the 184 program applied to restricted Indian lands. Currently, issues of appraisal, environmental requirements, foreclosure and tribal courts pose problems for effective application for the program. Our concern is that if more responsibility is demanded of participating Banks, fewer banks will choose to participate in the 184 Program.

We propose creating a **Tribal Standing Committee** as outlined in the recently released HUD Consultation Policy to work side by side with appropriate HUD staff to address the challenges faced by the program and to offer first hand assistance regarding issues posed at the reservation level.

The Policy requires that consultation with Tribes shall be “regular” and “meaningful” regarding programs that have an impact on Tribes and that further, the consultation shall be “direct” and “interactive”. We would like to work with HUD to protect and improve this vital program.

A few of the ideas we discussed were:

- HUD will engage Regional Advisory Committees when proposing new Regulations that would be target the following participants:
 - 184-A On Reservation loans with full participation by the Tribal Government
 - Indemnifications/participation by Tribes-TDHEs
 - Tribal Court Jurisdiction
 - Assurances of enforcement worked into Tribal agreements/local HEARTH Regulations when completed
 - Recommend outline of HUD/Tribal agreement that would authorize/require tribal role to act on behalf of HUD when delinquent loan reaches 180 days. May be required to consider tribal participation in program.
 - 184-B Off Reservation portfolio more closely following FHA rules
 - Alaska
 - Oklahoma

- Fee lands off reservations
- Revisit borrower requirements regarding Home buyer education, appraisals and special rules for allotted trust land.
- Penalties and fees should be discussed and applied in amounts that reflect the cost of doing business on Trust land.

Committee Composition

- We believe that the Standing Committee should include at least five Indian representatives that have experience working with the HUD 184 program on restricted land.
- We think at least three banking representatives with restricted land lending experience should be on Committee.
- HUD should have at least five members including underwriting and legal.
- We would request that the DAS would invite nominations and recommend the eight best qualified to give forward looking advice and consent to HUD and their team.
- Members would agree to participate in up to three teleconference meetings per year.
- Members would receive no compensation.
- The Committee would incur no expenses.

Closing

UNAHA's membership is comprised of large land based tribes that are still developing lending capacity and homebuyer education. We have tough economies and a great deal of poverty. However, reliable lending is an important part of the solution. We are committed to learning how to properly lend mortgage money on restricted land. We expect HUD to partner with us, let us assume more of the risk and make the program more responsive to the target audience.

For more information, contact: Robert Gauthier
 gauthierbob@gmail.com
 406-253-1903 cell

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-8-1**

**A RESOLUTION OPPOSING CHANGES TO THE SECTION 184 LOAN
GUARANTEE PROGRAM BEING MADE UNILATERALLY BY HUD**

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah; and

WHEREAS, UNAHA members and other TDHEs throughout the country have received several letters from HUD-ONAP in the past few months announcing unilateral changes being made to the Section 184 Loan Guarantee Program including an increased origination fee and other revisions which make the program appear more like the old FHA 248 program which was unsuccessful in Indian Country; and

WHEREAS, Previous changes to the 184 Program initiated by HUD have made the program increasingly more difficult to use and less successful at generating homeownership in trust land areas, especially large reservations; and


WHEREAS, HUD-ONAP is bound by Presidential Executive Orders and its own internal policy to hold meaningful face-to-face consultation with Tribes and TDHEs when the department contemplates program changes that will directly affect the interests of the Tribes and TDHEs, but has failed to do so in this instance,

NOW THEREFORE BE IT RESOLVED that UNAHA opposes HUD's unilaterally-proposed changes to the Section 184 Loan Guarantee Program, including the fee increase and the shift toward the old FHA 248 program; and

BE IT FURTHER RESOLVED that the UNAHA calls on HUD to implement meaningful face-to-face consultation with Tribes and TDHEs before any proposed changes to the 184 Program are considered or adopted.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Cedar City, Utah on the 12th day of August, 2014, with 17 members present to constitute a quorum and by a vote of 17 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST: 
Iva Grainger
Secretary

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-2**

**A RESOLUTION OPPOSING LEGISLATIVE REFORM PROPOSALS IN THE
PRESIDENT'S FY 2015 BUDGET PROPOSAL**

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

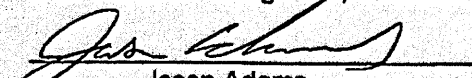
WHEREAS, the President's Budget Proposal for FY 2015 contains proposals for legislative reforms, including (1) strengthening HUD's authority to temporarily suspend recipients' access to grant funds to ensure lawful expenditure of those funds, and (2) clarifying HUD's authority to take back funds distributed based on inaccurate information. The proposal provides further that these provisions would be included in the re-authorization bill,

NOW THEREFORE BE IT RESOLVED that UNAHA opposes the provisions in the President's Budget Proposal for FY 2015 that call for legislative reforms (1) strengthening HUD's authority to temporarily suspend recipients' access to grant funds to ensure lawful expenditure of those funds, and (2) clarifying HUD's authority to take back funds distributed based on inaccurate information;

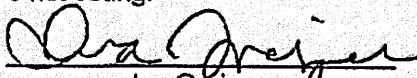
BE IT FURTHER RESOLVED that UNAHA opposes the inclusion of these provisions in any authorizing legislation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Lakewood, Colorado on the 31st day of March, 2014, with 25 members present to constitute a quorum and by a vote of 25 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST:


Iva Grainger
Secretary



United Native American Housing Association

Jason Adams, Chairman

PO Box 38

Pablo, MT 59855

"Tribes Helping Tribes"

April 10, 2014

Cheryl Causley, Chair
NATIONAL AMERICAN INDIAN HOUSING COUNCIL
900 2nd Street NE, Suite 107
Washington, DC 20002

RE: UNAHA Positions on Indian Housing Legislation

Dear Ms. Arthur;

The 32 members of the United Native American Housing Association (UNAHA) regional association unanimously voted to take positions on a number of key legislative proposals currently being circulated or introduced in Washington. These legislative initiatives are viewed by our membership and our Association as being critically important for Indian housing. We wish to make our positions clear and to work together with Congress, the Administration and other tribes and tribal housing organizations across the country to strengthen the Native American Housing and Self Determination Act and advance housing in Indian country.

The following positions were taken unanimously by our Association at our Annual Meeting on March 31, 2014 in Lakewood, Colorado. We anticipate taking additional stands on current and future legislative and administrative proposals this year.

- **UNEXPENDED FUNDS.** Support the provision in the President's Budget Proposal for FY 2015 that would withhold funding from all NAHASDA grant recipients that get more than \$5 million annually in IHBG funds and have undisbursed IHBG funds in excess of 3 times their annual allocation.
- **PHASING OUT MUTUAL HELP.** Oppose the provision in the President's Budget Proposal for FY 2015 that calls for prematurely phasing out the formula homeownership units developed under the U.S. Housing Act of 1937.
- **ADDITIONAL AUTHORITY TO SUSPEND OR RECAPTURE FUNDS.** Oppose the provisions in the President's Budget Proposal for FY 2015 that call for legislative reforms strengthening HUD's authority to temporarily suspend recipients' access to grant funds, and clarifying HUD's authority to take back funds distributed based on inaccurate information.
- **ELIMINATION OF SPECIFIC FEDERALLY MANDATED RENT LIMITS.** Support the provisions in proposed NAHASDA Reauthorization bills H.R. 4227 and H.R. 4329 that would allow tribes to self-determine their own rent and homebuyer payment limits.

UNAHA Board Members

Sharon Vogel-Vice Chairman
Cheyenne River Housing Authority
PO 480
Eagle Butte, SD 57625

Iva Grainger - Secretary
Fort Peck Housing Authority
PO Box 667
Poplar, MT 59255

Doug Yankton, Sr-Treasurer
Spirit Lake Housing Authority
PO Box 187
Fort Totten, ND 58335

Gauthier Agency LLC
Administrator
63316 US HWY 93
Ronan, Montana 59864

- **OPPOSITION TO USING AMERICAN COMMUNITY SURVEY IN IHBG FORMULA.** Opposes the use of American Community Survey data in the IHBG allocation formula.
- **COUNTING ENROLLED MEMBERS IN IHBG FORMULA.** Support the mandatory verification of membership in a federally-recognized Indian tribe for whichever data set(s) are utilized for the IHBG formula.

UNAHA believes the United States government and private sectors have important housing obligations to federally recognized tribes and our enrolled memberships. Furthermore, as an association, we want to renew our commitment to continue to work with our elected tribal leaders, other tribes, other housing associations and Washington, D.C. to improve the state of Indian housing.

If you have any questions regarding these positions or if intend to take a position regarding any of these matters please contact us as soon as possible. UNAHA will be actively pursuing their positions on these matters.

Sincerely,

Jason Adams
Chairman

UNAHA Board Members

Sharon Vogel-Vice Chairman
Cheyenne River Housing Authority
PO 480
Eagle Butte, SD 57625

Iva Grainger - Secretary
Fort Peck Housing Authority
PO Box 667
Poplar, MT 59255

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PO Box 187
Fort Totten, ND 58335

Gauthier Agency LLC
Administrator
63316 US HWY 93
Ronan, Montana 59864

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-3**

**A RESOLUTION SUPPORTING THE PROVISION IN THE PRESIDENT'S
FY 2015 BUDGET PROPOSAL TO CLARIFY ELIGIBILITY CRITERIA FOR
IHBG ALLOCATIONS**

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, UNAHA Members believe that recipients with sizable IHBG allocations should expend their IHBG funds within a reasonable period of time


WHEREAS, the President's Budget Proposal for FY 2015 contains a provision that would that would withhold funding from all NAHASDA grant recipients, that get more than \$5 million annually in IHBG funds and have undisbursed IHBG funds in excess of 3 times their annual allocation and the proposal provides further that this provision would be included in the annual appropriations bill,


NOW THEREFORE BE IT RESOLVED that UNAHA supports the provision in the President's Budget Proposal for FY 2015 that would withhold funding from all NAHASDA grant recipients, that get more than \$5 million annually in IHBG funds and have undisbursed IHBG funds in excess of 3 times their annual allocation;

BE IT FURTHER RESOLVED that UNAHA supports the inclusion of this provision in the annual appropriations bill.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Lakewood, Colorado on the 31st day of March, 2014, with 25 members present to constitute a quorum and by a vote of 25 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST: 
Iva Grainger
Secretary

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-4**

A RESOLUTION SUPPORTING THE TRIBALLY SELF-DETERMINED RENT PROVISIONS AS PROPOSED IN H.R. 4227 AND H.R. 4329

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, the stated purpose UNAHA Members is to provide safe, decent, and affordable housing for Indian people in a manner recognizing the unique government-to-government relationship of tribes and the federal government; and

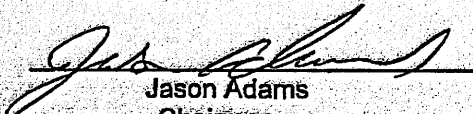
WHEREAS, two bills, H.R. 4227 and H.R. 4329, from the House of Representatives that would re-authorize that Native American Housing and Self-Determination Act (NAHASDA) currently contain provisions intended to allow tribes to self-determine their own rent and homebuyer payment limits,


NOW THEREFORE BE IT RESOLVED that UNAHA supports the provisions in H.R. 4227 and H.R. 4329 that would allow tribes to self-determine their own rent and homebuyer payment limits;

BE IT FURTHER RESOLVED that UNAHA supports the inclusion of these provisions in any authorizing legislation from both the House and Senate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Lakewood, Colorado on the 31st day of March, 2014, with 25 members present to constitute a quorum and by a vote of 25 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST: 
Iva Grainger
Secretary

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-5**

**A RESOLUTION OPPOSING THE PHASING OUT OF HOMEOWNERSHIP
UNITS PROPOSED IN THE PRESIDENT'S FY 2015 BUDGET PROPOSAL**

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, NAHASDA regulations promulgated through negotiated rulemaking between tribes and HUD establish specific timelines for the funding of homeownership units;


WHEREAS, the President's Budget Proposal for FY 2015 contains proposals to prematurely phase out the formula homeownership units developed under the U.S. Housing Act of 1937 and the proposal provides further that this provision would be included in the NAHASDA re-authorization bill,

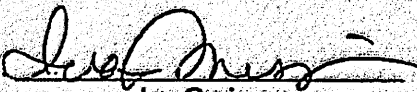
NOW THEREFORE BE IT RESOLVED that UNAHA opposes the provision in the President's Budget Proposal for FY 2015 that calls for prematurely phasing out the formula homeownership units developed under the U.S. Housing Act of 1937;

BE IT FURTHER RESOLVED that UNAHA opposes the inclusion of this provision in any authorizing legislation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Lakewood, Colorado on the 31st day of March, 2014, with 25 members present to constitute a quorum and by a vote of 25 members voting FOR, 0 members Opposed, and 0 not voting.


Jason Adams
Chairman

ATTEST 
Iva Grainger
Secretary

**UNITED NATIVE AMERICAN HOUSING ASSOCIATION
RESOLUTION #2014-6**

**A RESOLUTION OPPOSING USE OF THE AMERICAN COMMUNITY SURVEY
DATA IN THE IHBG FORMULA AND SUPPORTING A MANDATE FOR THE
INCLUSION OF TRIBAL ENROLLMENT DATA IN FORMULA ALLOCATIONS**

WHEREAS, the United Native American Housing Association (UNAHA) is comprised of individual member Indian Housing Authorities, Tribally Designated Housing Entities, and Tribes from the states of Colorado, Wyoming, Nebraska, South Dakota, North Dakota, Montana and Utah, and

WHEREAS, the stated purpose UNAHA Members is to provide safe, decent, and affordable housing for Indian people in a manner recognizing the unique government-to-government relationship of tribes and the federal government; and

WHEREAS, NAHASDA provides funding for low-income members of federally recognized Indian tribes; and

WHEREAS, UNAHA representatives are currently engaged in Negotiated Rulemaking with HUD on the IHBG formula and some of the proposals before the Committee included the use of data from the American Community Survey (ACS), which is of highly questionable accuracy due to issues related to sampling, response and inclusion rates and which fails to capture the tribal enrollment information necessary to lawfully allocate funds pursuant to NAHASDA; and

WHEREAS, UNAHA has examined sample formula projections which utilize ACS data, and this inaccurate data would have a disproportionately negative impact on the members of UNAHA if such data were used in the IHBG allocation formula,

WHEREAS, UNAHA recognizes that flaws related to census data are in large part a product of the fact that the decennial census and ACS are national surveys and the questions asked and procedures implemented cannot be modified to reflect the specific data needs, cultural sensitivities or living situations in Indian Country, and

WHEREAS, UNAHA believes that data collected directly by tribes in a uniform, properly structured and verifiable manner will produce a data set that more accurately reflects the depth and breadth of need in Indian Country, satisfies the statutory requirements of NAHASDA and adapts to the changes, if any, to the formula resulting from Negotiated Rulemaking.

NOW THEREFORE BE IT RESOLVED that UNAHA opposes the use of American Community Survey data in the IHBG allocation formula;

BE IT FURTHER RESOLVED that UNAHA supports the collection of information concerning enrollment in a federally-recognized Indian tribe, in addition to or in place of an individual's self-identified "racial" status, for whichever data set(s) are utilized for the IHBG formula;

BE IT FURTHER RESOLVED that UNAHA supports Congressional authorization and funding of tribal data collection to develop individual tribal data sets that will ultimately comprise a national tribal data set, which will replace census data within the IHBG formula.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted during a duly called, noticed and convened Annual Meeting assembled for business in Lakewood, Colorado on the 31st day of March, 2014, with 25 members present to constitute a quorum and by a vote of 25 members voting FOR, 0 members Opposed, and 0 not voting.



Jason Adams
Chairman

ATTEST



Iva Grainger
Secretary